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Docket 2001 P 16795 US

Our Case No. 10808/136

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas Boehler et al.

Serial No. 09/993,415

Filing Date: November 5, 2001

Title: USING DATA COMPRESSION FOR FASTER
TESTING OF EMBEDDED MEMORY

)
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)
) Examiner: Britt, Cynthia H.
)
) Group Art Unit No. 2133
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)
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REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. § 1.705(b)

Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

A notice of allowance was issued for the present application on February 15, 2005
indicating that the issue fee is due on May 16, 2005. The issue fee is being submitted for the

present application in conjunction with this request for reconsideration of the patent term adjustment. The Patent Application Information Retrieval (PAIR) system and the notice of allowance both indicate a patent term adjustment that was calculated by the U.S. Patent office pursuant to 37 C.F.R. 1.701 of 505 days. A copy of Notice of Allowance for the present application is included herewith as Exhibit A.

Applicant's Attorney believes that the patent term adjustment should be 604 days. For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(b). A check no. 355623 for the petition fee pursuant to 37 C.F.R. § 1.18(e) is enclosed herewith. Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The patent term adjustment for the present application was calculated by the U.S. Patent and Trademark Office based on activities and associated dates detailed in the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as Exhibit B. Applicant's Attorney believe that errors and/or omissions in the calculation and/or the PAIR system Patent Term Adjustment History may have resulted in an incorrect patent term adjustment for the present application as described in detail below. The present application is not subject to a terminal disclaimer.

Period of adjustment pursuant to 37 C.F.R. § 1.703

Period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1)(2)

Applicant's attorney believes that the 531 days of PTO delay indicated in the PAIR System is correct.

Period of adjustment pursuant to 37 C.F.R. § 1.703(b)

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day (“the 3 year date”) after the date that is three years after the date on which the application was filed pursuant to 35 U.S.C. § 111(a) or fulfilled the requirements pursuant to 35 U.S.C. § 371.

The present application was filed on November 5, 2001 as evidenced by the filing receipt attached as Exhibit C. The 3 year date specified in 37 C.F.R. § 1.703(b) is November 5, 2004. The total amount of delay of both the U.S. Patent and Trademark Office and the Applicant’s Attorney is 556 days as indicated in the PAIR system Patent Term Adjustment History, attached as Exhibit B. On the date of mailing of the notice of allowance, the present application is believed to have already exceeded the combined total of the 3 year date and the total amount of delay by 99 days. Applicant’s Attorney expects that additional non-overlapping delay can reasonably be expected prior to a patent issuing for the present application. Applicant’s Attorney therefore requests re-computation of the period of adjustment pursuant to 37 C.F.R. § 1.703 upon identification of the date of issue of the patent of the present application to reflect this delay. With this request, Applicant’s Attorney further reserves the right to request reconsideration of the patent term adjustment pursuant to 37 C.F.R. § 1.705(d) if the term of the issued patent is believed to be extended or adjusted incorrectly.

Period of adjustment pursuant to 37 C.F.R. § 1.704(b)

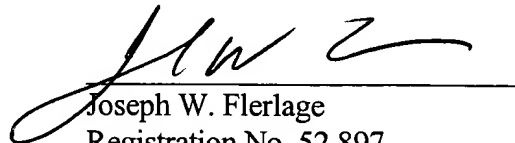
Applicant’s attorney believes that the 26 days of Applicant delay indicated in the PAIR system is correct.

Total patent term adjustment

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the period of adjustment pursuant to 37 C.F.R. § 1.703 reduced by any delays pursuant to 37 C.F.R. § 1.704. Thus, according to our calculations, we believe that the patent term adjustment should be $(531+99)$ days - 26 days = 604 days, instead of 505 days indicated on the Notice of Allowance attached as Exhibit A.

It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for the present application may not be correct. Accordingly, Applicant's Attorney respectfully requests the U.S. Patent and Trademark office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks. In addition, it is respectfully requested that the patent term adjustment be re-calculated by the U.S. Patent and Trademark Office in view of the above remarks. Office personnel are invited to contact the undersigned attorney for the Applicant's Attorney via telephone if such communication would be beneficial in fulfilling this request.

Respectfully submitted,


Joseph W. Flerlage
Registration No. 52,897
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200



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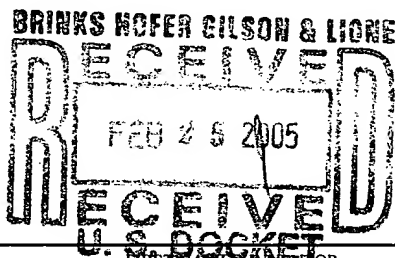
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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

02/15/2005

Scott B. Stahl
Jackson Walker LLP
Suite 600
2435 N. Central Expressway
Richardson, TX 75080



EXAMINER

BRITT, CYNTHIA H

ART UNIT

PAPER NUMBER

2133

DATE MAILED: 02/15/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,415	11/05/2001	Thomas Boehler	01 P 16795 US	6857

TITLE OF INVENTION: USING DATA COMPRESSION FOR FASTER TESTING OF EMBEDDED MEMORY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	05/16/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS **ABANDONED**. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

FEB 18 2005

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

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7590 02/15/2005

Scott B. Stahl
 Jackson Walker LLP
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(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,415	11/05/2001	Thomas Boehler	01 P 16795 US	6857

TITLE OF INVENTION: USING DATA COMPRESSION FOR FASTER TESTING OF EMBEDDED MEMORY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	05/16/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
BRITT, CYNTHIA H	2133	714-710000

<p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.</p>	<p>2. For printing on the patent front page, list</p> <p>(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,</p> <p>(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.</p> <p>1 _____</p> <p>2 _____</p> <p>3 _____</p>
--	---

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,415	11/05/2001	Thomas Boehler	01 P 16795 US	6857

7590 02/15/2005

Scott B. Stahl
Jackson Walker LLP
Suite 600
2435 N. Central Expressway
Richardson, TX 75080

EXAMINER

BRITT, CYNTHIA H

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 02/15/2005

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 505 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 505 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



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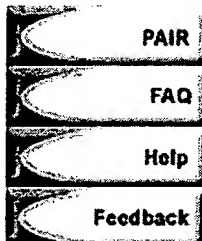
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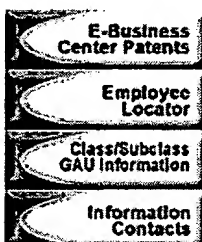
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Patent Term Adjustment (PTA) for application number: 09/993,415

		Days
Filing or 371(c) Date:	11-05-2001	USPTO Delay (PTO): 531
Issue Date of Patent:	-	Three Years: -
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL): 26
Post-Issue Petitions (days):	+0	Total PTA: 505
USPTO Adjustment (days):	+0	Explanation of Calculations



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Patent Term Adjustment History

Date	Contents Description	PTO (days)	APPL (days)
02-15-2005	Mail Notice of Allowance	3	
02-15-2005	Issue Revision Completed	↑	
02-15-2005	Notice of Allowance Data Verification Completed	↑	
02-07-2005	Notice of Allowability	↑	
12-01-2004	IFW TSS Processing by Tech Center Complete	↑	
12-01-2004	Date Forwarded to Examiner	↑	
10-12-2004	Response after Non-Final Action	↑	26
10-12-2004	Request for Extension of Time - Granted		↑
10-12-2004	Workflow incoming amendment IFW		↑
08-19-2004	Case Docketed to Examiner in GAU		↑
06-16-2004	Mail Non-Final Rejection	528	↑
06-14-2004	Non-Final Rejection	↑	
03-22-2004	Case Docketed to Examiner in GAU	↑	
01-30-2002	Case Docketed to Examiner in GAU	↑	
12-12-2001	Application Dispatched from OIPE	↑	
12-11-2001	Correspondence Address Change	↑	
11-30-2001	IFW Scan & PACR Auto Security Review	↑	
11-05-2001	Initial Exam Team nn	↑	

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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/993,415	11/05/2001	2185	812	01 P 16795 US	6	24	2

CONFIRMATION NO. 6857

FILING RECEIPT



OC000000007181263

Scott B. Stahl
Jackson Walker LLP
Suite 600
2435 N. Central Expressway
Richardson, TX 75080

Date Mailed: 12/11/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Thomas Bohler, Poughkeepsie, NY;
Gunther Lehmann, Poughkeepsie, NY;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 12/11/2001

Projected Publication Date: 05/08/2003

Non-Publication Request: No

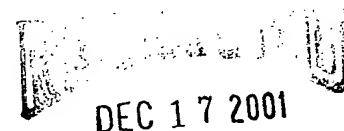
Early Publication Request: No

Title

Using data compression for faster testing of embedded memory

Preliminary Class

711



DEC 17 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Thomas Boehler et al.

Appln. No.: 09/993,415

Filed: November 5, 2001

For: USING DATA COMPRESSION FOR FASTER
TESTING OF EMBEDDED MEMORY

Attorney Docket No: 10808/136

Examiner: Britt, Cynthia H.

Art Unit: 2133

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TRANSMITTAL

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Attached is/are:

☒ Check for \$1,703 (\$1,400 Issue Fee; \$300 Publication Fee, \$3 One (1) patent copy); Check for \$200; Transmittal Letter (in duplicate); Part B - Fee(s) Transmittal (in duplicate); Request for Reconsideration of Patent Term Adjustment Pursuant to 37 C.F.R. § 1.705(b); (in duplicate)

☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☒ A petition or processing fee in an amount of \$200 under 37 C.F.R. § 1.18(e).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☒ Checks in the amounts of \$200 and \$1,703 are enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
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Date

April 11, 2005

Respectfully submitted,

Joseph W. Flerlage (Reg. No. 52,897)